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"CHAPTER I-A.

PROHIBITION OF HAND-RICKSHAW.

3-A. *Prohibition of drawing or pushing hand-ricksaw.*—Notwithstanding anything contained in this Act, no person shall, with effect from the date specified in a notification issued in this behalf by the State Government, draw or push any hand-rickshaw.

3-B. *Penalty.*—Any person who contravenes the provision of section 3-A shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both and the hand-rickshaw used in contravention thereof shall be liable to confiscation."

4. *Amendment of section 9, Tamil Nadu Act V of 1911.*—In section 9 of the principal Act, in clause (f), the word "rickshaw" shall be omitted.

5. *Amendment of section 50, Tamil Nadu Act V of 1911.*—In section 50 of the principal Act, in clause (ee), after the words "disposal of", the words, figure and letter "any hand-rickshaw confiscated under section 3-B or" shall be inserted.

இணைப்பு III

[96 ஆம் பக்கத்தில் இணைப்பு 7 (3) க்கான அடிக்குறிப்பைக் காண்க.]

L. A. Bill No. 31 of 1973.

(As passed by the Assembly.)

A Bill to amend the Tamil Nadu Town and Country Planning Act, 1971.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 1973.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 2, Tamil Nadu Act 35 of 1972.*—In section 2 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) (hereinafter referred to as the principal Act),—

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(1) after clause 23, the following clause shall be inserted, namely :—

“(23-a) ‘Madras Metropolitan Planning Area’ means the City of Madras such contiguous area of such City as the Government may, from time to time, specify by notification in the *Tamil Nadu Government Gazette*:

Provided that before issuing such notification, under this clause, the Government shall give any inhabitant or any local authority or institution in such contiguous area a reasonable opportunity for showing cause against the proposal and shall consider its objections or suggestions, if any ;” ;

(2) after clause (25), the following clause shall be inserted, namely :

“(25-a) ‘Metropolitan Development Authority’ means the Madras Metropolitan Development Authority established under section 9-A ;”.

3. *Amendment of section 5, Tamil Nadu Act 35 of 1972.*—In section 5 of the principal Act, in sub-section (2), in clause (b), after item (vii), the following item shall be inserted, namely :—

“(vii-a) Public Works”.

4. *Insertion of new Chapter II-A in Tamil Nadu Act 35 of 1972.*—After Chapter II of the principal Act, the following Chapter shall be inserted, namely :—

CHAPTER II-A.

CONSTITUTION AND INCORPORATION OF THE METROPOLITAN DEVELOPMENT AUTHORITY FOR THE MADRAS METROPOLITAN PLANNING AREA AND SPECIAL PROVISIONS RELATING THERETO.

9-A. *Establishment of the Madras Metropolitan Development Authority.*—

(1) With effect from such date as the Government may, by notification in the *Tamil Nadu Government Gazette* appoint in this behalf, there shall be established for the Madras Metropolitan Planning area an authority by the name of the Madras Metropolitan Development Authority.

(2) The Madras Metropolitan Development Authority established under sub-section (1) shall consist of—

(a) twelve persons appointed by the Government of whom—

(i) one shall be the chairman ;

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- (ii) one shall be the vice-chairman ;
- (iii) six shall be officers of the Government ;
- (iv) two shall be members of the State Legislature;
- (v) one shall represent trade and industry in the Madras Metropolitan Planning Area ; and
- (vi) one shall be the member secretary.

(b) the Director ;

(c) the Joint Director of Town and Country Planning or the Deputy Director of Town and Country Planning of the Madras Metropolitan Planning Area to be nominated by the Government ;

(d) the Commissioner, Municipal Corporation of Madras ;

(e) the representative of local authorities as specified below :—

(i) if there is only one local authority functioning in the Madras Metropolitan Planning Area, two representatives nominated by that local authority ;

(ii) if there are two or more local authorities functioning in the Madras Metropolitan Planning Area, such persons not exceeding four in number as are appointed by the Government who are members of such local authorities.

(f) the Chairman of the Tamil Nadu State Housing Board constituted under section 3 of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961) or such other officer as that Chairman may nominate in this behalf from time to time ; and

(g) the Chairman of the Tamil Nadu Slum Clearance Board established under section 34 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil Nadu Act 11 of 1971) or such other officer as that Chairman may nominate in this behalf from time to time.

9-B. *Incorporation of the Metropolitan Development Authority.*—The Metropolitan Development Authority shall be a body corporate and shall have perpetual succession and a common seal and, subject to such restriction or qualification as may be imposed by or under this Act or any other law, may sue or be sued in its corporate name or acquire, hold or dispose of property, movable or immovable, or enter into contracts and do all things necessary proper or expedient for the purpose of its constitution.

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9-C. Functions and powers of the Metropolitan Development Authority.—

(1) Subject to the provisions of this Act and the rules made thereunder the functions of the Metropolitan Development Authority shall be—

(i) to carry out a survey of the Madras Metropolitan Planning Area and prepare reports on the surveys so carried out ;

(ii) to prepare a master plan or a detailed development plan or a new town development plan referred to, under sub-section (2) of section 17 or under section 20 or under section 18, as the case may be, for the Madras Metropolitan Planning Area ;

(iii) to prepare an existing land use map and such other maps as may be necessary for the purpose of preparing any development plan ;

(iv) to cause to be carried out such works as are contemplated in any development plan ;

(v) to designate the whole of the Madras Metropolitan Planning Area or any part thereof within its jurisdiction as a new town and to perform the following functions, namely :—

(a) to prepare a new town development plan for the area concerned ; and

(b) to secure the laying out and development of the new town in accordance with the new town development plan ;

(vi) to perform such other functions as may be entrusted to it by the Government.

(2) The Metropolitan Development Authority may, by order, entrust to any local authority or other authority as may be specified in such order, the work of execution of any development plan prepared by it.

(3) The Metropolitan Development Authority may, by order, authorise any local authority or other authority as may be specified in such order, to exercise any of the powers vested in it by or under this Act and may in like manner withdraw such authority ; and the exercise of any power delegated in this behalf shall be subject to such restrictions and conditions as may be specified in such order.

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9-D. *Provisions of this Act shall apply to the Metropolitan Development Authority subject to certain modifications.*—In regard to the Metropolitan Development Authority and to any development plan prepared by it, the provisions of this Act shall apply, subject to the following modifications, namely :—

(1) in section 2,—

(a) in clause (3), the expression “and includes the Metropolitan Development Authority established under section 9-A” shall be added at the end ;

(b) in clause (14), after the expression “new town development authority”, the expression “or the Metropolitan Development Authority” shall be inserted ;

(c) in clause (30), for the expression “or a site for a new town” the expression “a site for a new town or the Madras Metropolitan Planning Area” shall be substituted ;

(2) in section 4, after clause (c), the following clause shall be added, namely :—

“(d) the Metropolitan Development Authority.” ;

(3) in section 16,—

(a) in the first paragraph, for the expression “Every local planning authority”, the expression “The Metropolitan Development Authority” shall be substituted ;

(b) the proviso shall be omitted ;

(c) in the *Explanation* for the expression “local planning authority”, the expression “Metropolitan Development Authority” shall be substituted ;

(4) in section 17, for sub-section (1), the following sub-section shall be substituted, namely :—

(1) The Metropolitan Development Authority established under section 9-A shall within such time as may be prescribed and after consulting the local authorities concerned prepare and submit to the Government, a plan hereinafter called the ‘master plan’, for the Madras Metropolitan Planning Area or any part of it.” ;

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(5) in section 18, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) As soon as may be, after the designation of the site for a new town under the development plan prepared by the Metropolitan Development Authority, the said authority shall within such time as may be prescribed, prepare and submit to the Government a plan hereinafter called the “new town development plan” for the site designated for the new town or any part of it.”;

(6) in section 19,—

(a) in sub-section (1), for the expression “A local planning authority”, the expression “The Metropolitan Development Authority” shall be substituted;

(b) in sub-section (2), for the expression “the local planning authority”, the expression “the Metropolitan Development Authority” shall be substituted;

(7) in section 20, in clause (f) of sub-section (1) and clause (f) of sub-section (2), for the expression “the local planning authority”, the expression “the Metropolitan Development Authority”, shall be substituted;

(8) in section 21, for the expressions “The local planning authority” and “Director”, the expressions “The Metropolitan Development Authority” and “Government” shall respectively, be substituted;

(9) for section 22, the following section shall be substituted, namely :—

“22. *Powers of Government to require the Metropolitan Development Authority to prepare a master plan, a new town development plan or a detailed development plan in respect of any area.*—Notwithstanding anything contained in sections 17, 18, 19 and 21, the Government may, by notification, require the Metropolitan Development Authority to prepare and submit to the Government before a fixed date, a master plan, a new town development plan or the detailed development plan in respect of any area.”;

(10) for section 24, the following section shall be substituted, namely :—

“24. *Consent of Government to the publication of notice of preparation of plans.*—(1) As soon as may be, after the master plan, the new town development plan or the detailed development plan has been

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submitted by the Metropolitan Development Authority to the Government, but not later than such time as may be prescribed, the Government may direct the Metropolitan Development Authority to make such modifications in the master plan, the new town development plan or the detailed development plan, as they think fit and thereupon the Metropolitan Development Authority shall make such modifications and resubmit it to the Government within such time as may be specified by the Government.

(2) The Government shall, after the modifications, if any, directed by them have been made, give their consent to the Metropolitan Development Authority to the publication of a notice under section 26 of the preparation of the master plan, the new town development plan or the detailed development plan.”;

(11) in section 26,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely :—

“ Notice of the preparation of the master plan, the new town development plan or the detailed development plan.” ;

(b) for the expression “ appropriate planning authority ” wherever it occurs, the expression “ Metropolitan Development Authority ” shall be substituted ;

(c) for the expression “ the regional plan, the master plan or the new town development plan ”, in both the places where it occurs, the expression “ the master plan, the new town development plan or the detailed development plan ” shall be substituted ;

(12) for section 28, the following section shall be substituted, namely :—

“ 28. Approval by Government.—As soon as may be, after the submission by the Metropolitan Development Authority, of the master plan, the new town development plan or the detailed development plan, but not later than such time as may be prescribed, the Government may, after consulting the Director, either approve the said plan or may approve it with such modifications, as they may consider necessary, or may return the said plan to the Metropolitan Development Authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval within such time as the Government may specify in this behalf.”;

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(13) in section 30,—

(a) in the marginal heading, for the expression “ regional plan, master plan and new town development plan ”, the expression “ master plan, new town development plan and detailed development plan ” shall be substituted ;

(b) in sub-section (1), for the expression “ a regional plan, a master plan or a new town development plan ”, the expression “ a master plan, a new town development plan or a detailed development plan ” shall be substituted ;

(c) in sub-section (2), for the expression “ the regional plan, the master plan or the new town development plan ”, the expression “ the master plan, the new town development plan or the detailed development plan ” shall be substituted ;

(14) for section 32, the following section shall be substituted, namely :—

“ 32. *Variation, revocation and modification of master plan, new town development plan and detailed development plan.*—(1) A master plan, a new town development plan or a detailed development plan of the Metropolitan Development Authority approved under section 28 may at any time be varied or revoked by a subsequent master plan, new town development plan or detailed development plan, as the case may be, prepared and approved under this Act.

(2) Once in every five years after the date on which the master plan for the Madras Metropolitan Planning Area comes into operation, the Metropolitan Development Authority may, and if so directed by the Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the local authorities concerned, review the master plan and make such modifications in such plan wherever necessary and submit the modified master plan for the approval of the Government.

(3) The provisions of sections 26, 28 and 30 with such modifications as may be necessary shall apply to such modified master plan.

(4) The Government may, at any time by notification in the *Tamil Nadu Government Gazette* vary or revoke, the master plan, the new town development plan or the detailed development plan, as the case may be, prepared and approved under this Act.” ;

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(15) in Chapter V,—

(a) for the expressions, “ *New Town Development Authority* ”, “ *a new town development authority* ”, “ *new town development authority* ” and “ *A new town development authority* ” wherever they occur, the expressions “ *Metropolitan Development Authority* ”, “ *the Metropolitan Development Authority* ”, “ *Metropolitan Development Authority* ” and “ *The Metropolitan Development Authority* ” shall, respectively, be substituted ;

(b) in section 40, in sub-section (1), for the expression “ for securing the development of the new town in accordance with the new town development plan approved by the Government under this Act ”, the expression “ for securing the effective implementation of any of the development plans of the Metropolitan Development Authority ” shall be substituted ;

(c) in section 41, for the expression “ within the area of the new town ” the expression “ within the Madras Metropolitan Planning Area ” shall be substituted ;

(d) in section 42, for the expressions “ any new town development authority ” and “ in relation to the new town ”, the expressions “ the Metropolitan Development Authority ” and “ in relation to the Madras Metropolitan Planning Area ” shall, respectively, be substituted ;

(e) in section 44, in sub-sections (1) and (3), for the expression “ for the promotion and execution of works in the new town development plan made under this Act ” in both the places where it occurs, the expression “ for the discharge of functions assigned to it under this Act ” shall be substituted ;

(f) section 46 shall be omitted ;

(16) in section 76,—

(a) for the expressions “ *Director* ” and “ *planning authority* ” wherever they occur, the expressions “ *Government* ” and “ *Metropolitan Development Authority* ” shall, respectively, be substituted ;

(b) in sub-section (1), in the first proviso, for the expression “ if he is satisfied ”, the expression “ if they are satisfied ”, shall be substituted ;

(c) in sub-section (3), in clause (a), in item (iii), for the expression “ as he may think fit ”, the expression “ as they may think fit ” shall be substituted ;

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(d) in sub-section (5), in the proviso, for the expressions “ in his discretion ”, “ as he thinks fit ” and “ to his satisfaction ”, the expressions “ in their discretion ”, “ as they think fit ” and “ to their satisfaction ” shall, respectively, be substituted ;

(17) in section 77,—

for the expressions “ Director ” and “ the planning authority concerned ” wherever they occur, the expressions “ Government ” and “ the Metropolitan Development Authority ” shall, respectively, be substituted ;

(18) in section 79,—

(a) for the expression “ prescribed authority ” wherever it occurs, the expression “ Government ” shall be substituted ;

(b) in sub-section (1), for the expression “ planning authority ”, the expression “ Metropolitan Development Authority ” shall be substituted ;

(c) in sub-section (2), for the expression “ if it is satisfied ”, the expression “ if they are satisfied ” shall be substituted ;

(19) section 80 shall be omitted ;

(20) in section 81, in sub-section (1), the expression “ and 80 ” shall be omitted ;

(21) in section 91, in sub-section (1), for the expression “ except the power of the Government to make rules ”, the expression “ except the power of the Government to hear any appeal under section 76 and the power to make rules ” shall be substituted.”

5. *Amendment of section 10, Tamil Nadu Act 35 of 1972.*—In section 10 of the Principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“ (1) The Government may, by notification in the *Tamil Nadu Government Gazette*,—

(a) from time to time declare their intention to specify any area in the State (other than the Madras Metropolitan Planning Area) to be a regional planning area after taking into consideration—

(i) the population of such area which shall not be less than the minimum and more than the maximum as may be prescribed ;

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(ii) the development of such area for industrial or commercial purposes ; or

(iii) such other matters as may be prescribed ;

(b) from time to time declare their intention to specify any area in the State (other than the Madras Metropolitan Planning area) to be a local planning area after taking into consideration—

(i) the population of such area which shall not be less than the minimum and more than the maximum as may be prescribed ;

(ii) the development of such area for industrial or commercial purposes ;

(iii) the fact whether such area has been reserved or designated in a regional plan as the site for a new town ; or

(iv) such other matters as may be prescribed ;

(c) from time to time declare their intention to specify any area as the site for a new town, after taking into consideration—

(i) the population of such area which shall not be less than the minimum and more than the maximum as may be prescribed ;

(ii) the development of such area for industrial or commercial purposes ;

(iii) the fact whether such area has been reserved or designated in a regional plan as the site for a new town ; or

(iv) such other matters as may be prescribed;

and copies of such notification shall be sent to the local authorities which are situated in the area so specified.

Explanation.—For the purpose of this sub-section the expression ‘ population ’ means the population as ascertained at the last preceding census of which the relevant figures have been published.”

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6. *Insertion of new section 91-A in Tamil Nadu Act 35 of 1972.*—After section 91 of the principal Act, the following section shall be inserted, namely :—

“ 91-A. *Delegation of powers by appropriate planning authority.*—

(1) The appropriate planning authority may, subject to such conditions as may be prescribed, authorise by order any Committee or officer specified in such order to exercise any of the powers vested in such appropriate planning authority by this Act and may cancel such order.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the order, and also to control and revision by the appropriate planning authority.”

இணைப்பு IV

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L. A. Bill No. 40 of 1973.

(As passed by the Assembly)

A Bill further to amend the Tamil Nadu General Sales Tax Act, 1959.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu General Sales Tax (Second Amendment) Act, 1973.

(2) (a) Section 2 and clause (iv) of section 6 shall be deemed to have come into force on the 1st September 1973 ;

(b) section 3 [except sub-clause (a) of clause ii], clauses (ii) (iii) and (v) of section 6 and section 7 [except clauses (i) and (v)] shall be deemed to have come into force on the 1st April 1973 ;

(c) section 4 shall be deemed to have come into force on the 28th June 1971 ;

(d) clause (i) of section 6 shall be deemed to have come into force on the 16th November 1973 ;

(e) clause (v) of section 7 and section 8 shall be deemed to have come into force on the 1st October 1973.